<table>
<thead>
<tr>
<th>Title</th>
<th>The Practice of Child Care Law</th>
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</thead>
<tbody>
<tr>
<td>Level</td>
<td>3</td>
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<tr>
<td>Credit value</td>
<td>7</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Learning outcomes</th>
<th>Assessment criteria</th>
<th>Knowledge, understanding and skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>Understand the legislative framework governing children proceedings</td>
<td>1.1 Analyse the key legislation relating to children proceedings</td>
<td>1.2 The key criteria applied by the courts when determining children proceedings; i.e. paramountcy principle, as amended by s11 CFA 2014 (subject to commencement), and welfare checklist (s1(1) CA 1989 &amp; s1(3) CA 1989), the &quot;no delay&quot; principle (s1(2) CA 1989), and the “no order” principle (s1(5) CA 1989). Relevant case law; e.g. G (Children) [2005] EWCA Civ 1283.</td>
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<td>1.2 Analyse the key principles applicable to children proceedings</td>
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<td>1.3</td>
<td>Explain the concept of parental responsibility and how it is acquired</td>
<td>1.3 Definition of parental responsibility (s3(1) CA 1989), who holds parental responsibility and how it can be acquired (ss4 &amp; 4A CA 1989). Relevant case law; e.g. <em>H and Another (Minors) (No 3) [1991] 2 All ER 185</em>, and <em>C and V (Contact and Parental Responsibility) [1998] 1 FLR 392</em>.</td>
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<td>1.4</td>
<td>Classify the “private law” orders available in children proceedings</td>
<td>1.4 Part II CA 1989. Summary of the purpose and effect of the section 8 orders; i.e. child arrangements, specific issue and prohibited steps (s8 CA 1989, as amended by s12 CFA 2014), and special guardianship orders (ss14A-G CA 1989).</td>
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<tr>
<td>1.5</td>
<td>Apply an understanding of the legislative framework governing children proceedings to a given scenario</td>
<td>1.5 Application to a scenario.</td>
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<tr>
<td>2</td>
<td>Understand the concept of inter-agency working and the roles of the key personnel involved in the child protection process</td>
<td>2.1 Explain the concept of inter-agency working to safeguard and promote the welfare of children</td>
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<td>2.2 Explain the functions and responsibilities of the key social work personnel involved in child protection</td>
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<td>2.3 Explain the functions and responsibilities of the key legal personnel involved in children protection</td>
<td>2.3 The role of legal executives, solicitors and barristers in public law children’s proceedings, and the ethical considerations that can arise when acting for local authorities, parents/family and children/children’s guardians; e.g. conflict of interest, confidentiality; the child as client; SRA Code of Conduct. The court structure and the tiers of judiciary dealing with public law children proceedings introduced by the CCA 2013.</td>
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<td>2.4 Explain the functions and responsibilities of the other key personnel involved in child protection</td>
<td>2.4 The other professionals who may provide evidence in child protection enquiries; e.g. health visitors, teachers and the police. The nature of expert evidence likely to be commissioned in child protection enquiries; e.g. paediatrician, psychiatrist, psychologist, subject to the provisions of s13 CFA 2014. The role of the children’s guardian/CAFCASS, and the working relationship with the solicitor for the child.</td>
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<td></td>
<td>2.5 Apply an understanding of the roles of the various professionals, parties and their advisers to a given scenario</td>
<td>2.5 Application to a scenario.</td>
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<tr>
<td>3 Understand the duties which local authorities have to promote the welfare of children and to ensure that children are protected</td>
<td>3.1 Explain the obligations on local authorities to ensure early effective intervention where a child’s welfare is threatened</td>
<td>3.1 An outline of the key Every Child Matters principles and the obligations upon local authorities to explore all safe and appropriate alternatives before commencing court proceedings; e.g. the common assessment framework; provision of services to children in need under s17 and s20 CA 1989.</td>
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<tr>
<td><strong>3.2</strong> Explain the preliminary investigations which a local authority should undertake when a child protection referral is received</td>
<td><strong>3.2</strong> An outline of the key stages in a child protection investigation in accordance with the provisions of Working Together to Safeguard Children, and the Children Act 1989 Guidance and Regulations – Volume 1 (Court Orders); e.g. initial referral, initial investigation, s47 investigation, use of core assessment.</td>
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<td><strong>3.3</strong> Analyse the purpose of and the procedure followed at a child protection conference</td>
<td><strong>3.3</strong> Inter-agency meeting convened to share information and ascertain if the child is at continuing risk of significant harm. Overview of likely participants and procedure at a child protection conference (CPC). How a child protection plan to monitor and support a child/family will be implemented, and examples of the type of support that may be provided; e.g. appointment of key worker, core group. Consideration of the capacity in which lawyers attend a CPC and the lawyer’s role; i.e. acting for local authority, parents/family or child. Reference to relevant guidance; e.g. Law Society Practice Note (9th Jan 2013).</td>
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<td>3.4</td>
<td>Analyse the implications of a Letter Before Proceedings</td>
<td>3.4</td>
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<td>3.5</td>
<td>Apply an understanding of the duties which local authorities have to promote the welfare of children and to ensure that children are protected to a given scenario</td>
<td>3.5</td>
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<tr>
<td>4</td>
<td>Understand the procedure by which a care order or a supervision order is obtained</td>
<td>4.1</td>
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<tr>
<td>Section</td>
<td>Topic</td>
<td>Description</td>
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<td>4.2</td>
<td>Explain the procedure for obtaining a care order or a supervision order</td>
<td>Part 12 FPR 2010 and the accompanying Practice Directions, with particular consideration of PD 12A – Public Law Proceedings Guide to Case Management (The Public Law Outline) (PLO), subject to amendments under s14 CFA 2014 to s32 &amp; s38 CA 1989, and under CCA 2013. Relevant case law: e.g. Re S (A child) EWCC B44. Consideration of the documentation required to issue proceedings and the stages under the PLO. Summary of how the parties to applications for care/supervision orders fund their legal representation.</td>
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<td>4.3</td>
<td>Analyse the effect of a care order and of a supervision order</td>
<td>The effect of the granting of a care order on an interim basis and as a final order; e.g. care order confers parental responsibility on the local authority, and will usually mean that the child is removed from the family. The effect of the granting of a supervision order on an interim basis and as a final order; e.g. child will usually remain placed within the family, and supervision order may be combined with a residence order. The duration of care orders and supervision orders and how they are brought to an end.</td>
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<td>4.4</td>
<td>Explain the local authority’s duty to promote contact with a looked after child</td>
<td>The local authority’s duty to promote contact with a looked after child and the circumstances in which such contact may be suspended or terminated; i.e. s34 CA 1989, subject to amendment by s8 CFA 2014.</td>
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<td>4.5 Apply an understanding of the circumstances in which and the procedure by which a care order or a supervision order is obtained to a given scenario</td>
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<td>4.5 Application to a given scenario; e.g. the circumstances in which an application for a care order or supervision order should be made, and the documentation that must be filed in support of such an application.</td>
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| 5 Understand the options which exist for securing a permanent placement for a child |
| 5.1 Analyse the effect of an adoption order |
| 5.1 Overview of key provisions of ACA 2002 subject to amendments by CFA 2014; e.g. s46 and s67 ACA 2002, s3 and s9 CFA 2014. Consideration to be given to the nature of adoption, and the impact upon the child’s relationship with its birth family; e.g. child treated as natural child of the adoptive family, ending of parental responsibility held by birth parents, closed adoption - with no on-going contact - being the norm. |

<p>| 5.2 Explain the circumstances in which a local authority will apply for a placement order and the effect of such an order |
| 5.2 Overview of the circumstances in which a placement order is necessary; e.g. where the care plan for the child is adoption (s22 ACA 2002 subject to amendment by ss2 and 3 CFA 2014)). The effect of a placement order; e.g. authorising the local authority to place the child with any prospective adopters (s21 ACA 2002). The interaction between applications for placement orders and care proceedings; e.g. timing of applications for placement orders, contact orders under s26 ACA 2002. |</p>
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<tr>
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<th>5.3 Explain the other options which exist to ensure permanency for a child</th>
<th>5.3 Outline of the alternative ways in which permanency can be achieved, and the rights and responsibilities of the local authority and the carers in such circumstances; e.g. placement in long term foster care, placement with family under a “private law” order, and the role of a special guardian vis-a-vis a parent.</th>
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<tr>
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<td>5.4 Apply an understanding of the options which exist for securing a permanent placement for a child to a given scenario</td>
<td>5.4 Application to a scenario.</td>
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<td>6</td>
<td>Understand the interventions that are available to protect children who are in urgent need</td>
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<td>6.1 Analyse the grounds for obtaining an emergency protection order</td>
<td>6.1 Section 44 CA 1989, with particular reference to the differences between the “common ground” (s44(1)(a)), the “local authority ground” (s44(1)(b)) and the “authorised person ground” (s44(1)(c)). Comparison between the “threshold criteria” for obtaining an emergency protection order (EPO) and those required for a care/supervision order.</td>
</tr>
<tr>
<td></td>
<td>6.2 Explain the procedure for obtaining an emergency protection order</td>
<td>6.2 Part 12 FPR 2010 and the accompanying Practice Directions, CCA 2013. Summary of how the parties fund their legal representation, who represents the child and the role of the children’s guardian. Relevant case law; e.g. X Council v B (Emergency Protection Orders) [2004] EWHC 2015 (Fam) and X (Emergency Protection Orders) [2006] EWHC 510 (Fam).</td>
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This specification is for 2019 examinations
<p>| 6.3 Analyse the effect of an emergency protection order | 6.3 The effect of the granting of an EPO; i.e. confers parental responsibility on the applicant, authorises/prevents child’s removal. The possible consequential directions made ancillary to an EPO; e.g. power to search, order for assessment of child, order excluding adult from premises, and provisions for contact. The duration of EPO, and the availability of applications for extension/discharge. |
| 6.4 Explain the powers which the police have to intervene in order to protect children | 6.4 Section 46 CA 1989, with particular reference to grounds for removal, maximum duration of any removal, the duty to notify and provisions for contact. |
| 6.5 Apply an understanding of the interventions that are available to protect children who are in urgent need to a given scenario | 6.5 Application to a given scenario; e.g. the circumstances in which an application for an EPO should be made, and the documentation that should be filed in support of such an application. |</p>
<table>
<thead>
<tr>
<th><strong>Additional information about the unit</strong></th>
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<tbody>
<tr>
<td><strong>Unit aim(s)</strong></td>
<td>The learner will understand the legislation governing children’s proceedings in England and Wales and the role and importance of interagency working in child protection including interventions to protect children in urgent need. The unit also covers the procedural requirements for care orders and supervision orders and the options available for securing a permanent placement for a child.</td>
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<tr>
<td><strong>Details of the relationship between the unit and other standards or curricula (if appropriate)</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Assessment requirements specified by a sector or regulatory body (if appropriate)</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Endorsement of the unit by a sector or other appropriate body (if required)</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Location of the unit within the subject/sector classification</strong></td>
<td>15.5 Law and Legal Services</td>
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<tr>
<td><strong>Name of the organisation submitting the unit</strong></td>
<td>Chartered Institute of Legal Executives (CILEx)</td>
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<td><strong>Availability for delivery</strong></td>
<td>1st September 2013</td>
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</tbody>
</table>